

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

COLLIS PAUL LANCASTER
Defendant.

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CR. NO. 05-10027-T

MOTION TO CONTINUE SENTENCING

Comes now Defendant by and through counsel and Moves this Honorable Court that the sentencing date presently set for Wednesday, November 16, 2005 be continued. In support of this motion Defendant would state:

1. Defendant is in custody at West Tennessee Detention Facility at Mason, Tennessee and is the only defendant in this case.
2. Counsel received a copy of the pre sentence report on October 23, 2005 and mailed a copy of same to Defendant on October 25, 2005.

As was anticipated by defense counsel Defendant faces possible sentencing 'enhancement' which would increase Defendant's potential sentence range substantially under U.S.S.G. 4B1.1 [Career Offender], or possibly under 18 USC 924(e) [armed career criminal]. Counsel is obtaining further documentation regarding Defendant's prior criminal history in an effort to determine whether such might apply so that Defendant may submit such information in his response to the pre sentence report.

3. Counsel has attempted to meet with Defendant to review the pre sentence report but was unable to do so due to schedule constraints.

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 11-4-05

MOTION GRANTED

DATE: 1 November 2005

James D. Todd
James D. Todd
U.S. District Judge *28*

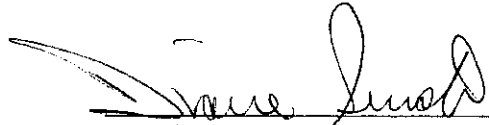
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05 NOV - 1 AM 11:37
CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON
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CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON

4. Defense counsel has attempted to notify government counsel regarding the filing of this motion by telephone call this date. Government counsel is out of the office on leave and will be out through November 6, 2005 upon information and belief. Defense counsel will be out of the office on leave from November 2, 2005 through November 7, 2005 and will return on November 8th. Counsel will not be able to meet with Defendant to review the pre sentence report until the middle of the week of November 7th at the earliest.

5. Counsel is in need of additional time in which to review the report and to meet with Defendant to prepare Defendant's response.

Premises considered, Defendant moves that the sentencing date be continued for the grounds set forth above. Defendant requests that the sentencing be set for a date the week of November 28, 2005 or thereafter.

Respectfully submitted, this the 1 day of Nov, 2005.



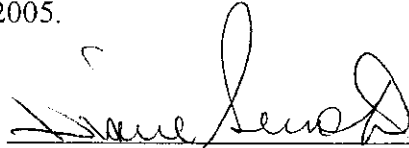
M. Dianne Smothers [011874]
Assistant Federal Defender
109 S. Highland Ave., Rm. B-8
Jackson, TN 38301
Phone: (731)427-2556

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon all interested parties by either hand delivery or by mailing same, postage prepaid to the following:

Mr. James Powell
Assistant United States Attorney
109 South Highland, Suite 300
Jackson, Tennessee, 38301

This the 1 day of Nov, 2005.



M. Dianne Smothers



Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 1:05-CR-10027 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

M. Dianne Smothers
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James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT